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Security Council

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 3 June 2010 from the Permanent Mission of Germany to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Germany to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to transmit a report on the implementation of the measures approved by resolutions 1556 (2004) and 1591 (2005) (see annex).

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Annex to the note verbale dated 3 June 2010 from the Permanent Mission of Germany to the United Nations addressed to the Chairman of the Committee

Report of Germany to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan on the implementation of measures imposed by resolutions 1591 (2005) and 1556 (2004)

The Security Council, in paragraph 5 of resolution 1891 (2009) of 13 October 2009, encourages all States, in particular those in the region, to report to the Committee on the actions they have taken to implement the measures imposed by resolutions 1591 (2005) and 1556 (2004).

In accordance with resolution 1891 (2009), Germany wishes to transmit to the Committee the following information concerning the implementation of the restrictive measures set forth in paragraphs 3 (d), 3 (e) and 7 of resolution 1591 (2005), and paragraphs 7 and 8 of resolution 1556 (2004).

I. Measures adopted by the European Union

Germany and the other States members of the European Union have jointly implemented the restrictive measures imposed by resolutions 1591 (2005) and 1556 (2004) by taking common measures (all common measures are published in the *Official Journal of the European Union*, which can be consulted through the following web pages: www.eur-lex.europa.eu/JOIndex.do (published issues) and www.eur-lex.europa.eu/RECH_menu.do (search form)):

1. Council Common Position 2005/411/CFSP of 30 May 2005 (repealing Council Common Position 2004/31/CFSP concerning the imposition of an embargo on arms, munitions and military equipment on the Sudan), providing for:

- Measures restricting the entry into or transit through the territory of States members of the European Union
- Measures for the freezing of funds, other financial assets and economic resources
- An embargo on arms and related material intended for the Sudan as well as on related technical assistance and financing

Council Common Position 2005/411/CFSP was amended by Council Decision 2006/386/CFSP of 1 June 2006 to include the individuals designated by the Sanctions Committee (Security Council resolution 1672 (2006)).

2. The provisions of the Common Position concerning the embargoes on certain technical and financial assistance and the freezing of funds and economic resources fall within the competence of the European Union. The Council of the European Union therefore adopted Council Regulation (EC) No. 838/2005 of 30 May 2005 (amending Council Regulation (EC) No. 131/2004 implementing Common Position 2004/31/CFSP) and Council Regulation (EC) No. 1184/2005 of 18 July 2005, as amended by Commission Regulation (EC) No. 760/2006 and Commission Regulation (EC) No. 970/2007 (amendments of the list of targeted persons following amendments by the Sanctions Committee).

Community regulations are directly and legally applicable in the European Union member States as soon as they have been published in the *Official Journal of the European Union*. Funds and economic resources are frozen directly and immediately by the Council Regulations. No further national implementation is necessary in this respect.

II. National implementing measures

With regard to the arms embargo, Germany has implemented the restrictive measures imposed by resolution 1591 (2005) and European Union Common Position 2005/411/CFSP through section 69k of the Foreign Trade and Payments Regulation. Criminal penalties for any infringements of the arms embargo are set out in section 70a, paragraph 2, of the Foreign Trade and Payments Regulation and section 34, paragraph 4, No. 1, of the Foreign Trade and Payments Act.

For the violation of the directly applicable prohibition of certain services related to the arms embargo established in Council Regulation (EC) No. 131/2004, section 34, paragraph 4, No. 2, of the Foreign Trade and Payments Act imposes criminal penalties on the national level.

Criminal penalties for the violation of the directly applicable provisions of Council Regulation (EC) No. 1184/2005 on the asset freeze and on the prohibition of making available funds or economic resources are imposed on the national level pursuant to section 34, paragraph 4, No. 2, of the Foreign Trade and Payments Act.

The penalty imposed by section 34, paragraph 4, of the Foreign Trade and Payments Act for violation of the arms embargo or the directly applicable prohibitions established by Council Regulations (EC) No. 131/2004 and (EC) No. 1184/2005 is a term of imprisonment of up to five years. Any attempt of violation will be punished in the same way. Violations due to negligence are sanctioned with imprisonment of up to three years or fines (section 34, paragraph 7, of the Foreign Trade and Payments Act).

Sudanese nationals travelling to Germany require a visa when entering the European Union. Travel restrictions imposed by resolution 1591 (2005) and European Union Common Position 2005/411/CFSP are being implemented through the visa application process.